THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.18299 of 2003

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19.8.2005

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Between:

1. Kalaru Ramaiah, Tallapally village, Kesamudram Mandal,

Warangal District and 81 others.

... Petitioners

AND

1. The Divisional Forest Officer, Warangal South,

Warangal District and seven others.

... Respondents

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ORDER:

The petitioners who are 82 in number claimed to be residents of Tallapusapally of K.Samudram Mandal in Warangal District. They also alleged that they have been in possession of the land ranging from Acs.2.00 to Acs.4.00 in Survey No.424 and that their possession was also recognized by the revenue officials. They further allege that when further proceedings in this regard are pending, the respondents started visiting the land in Survey No.424 with a view to initiate coercive steps to dispossess them. Therefore, they filed writ petition seeking declaration that the action of the respondent in trying to dispossess them is illegal and arbitrary. Initially, this Court passed interim orders of *status quo* on 29.8.2003. Subsequently, the petitioners moved this Court by filing W.V.M.P. No.4220 of 2004 for modification of the orders passed by this Court on 29.8.2003 in W.P.M.P.No.22804 of 2003, whereupon by order dated 20.7.2004, this Court modified the *status quo* order excluding an extent of Acs.20.00 in Survey No.424 or 424/1 of Tallapusapally from operation of the *status quo* order.

In the counter affidavit filed by the third respondent, it is stated that out of total area in Survey No.424, an extent of Acs.800.00 is included in the reserve forest block Dhanasari, which was notified under Section 7 of Hyderabad Forest Act, 1355 Fasli,

which was followed by a proclamation under Section 6 of the Act. A categorical averment is made that forest department is in possession of the land and the writ petitioners are not in possession of the land. The counter affidavit is filed on 16.2.2005. No reply affidavit is filed denying the allegations.

The petitioners have not placed any material before this Court to show that they are in possession of the land as alleged in Survey No.424. Further they relied only on official correspondence, which deals with inclusion of Survey No.424 in reserve forest block, Dhanasari. When the State Government has taken a stand that Acs.800.00 in Survey No.424 is included in the reserve forest block, the correspondence cannot in any manner help the petitioners. Further, whether the land is included in the forest block or whether the land is patta land or government poramboke land are the matters, which have to be decided by the revenue depart and forest department. The writ petition is not proper remedy.

Accordingly, the writ petition is disposed of, giving liberty to the petitioners to approach the District Collector, Warangal, in this regard. As and when such representation is made, the District Collector in consultation with the District Forest Officer deal with the matter properly. It is needless to observe that as long as the land is included in the reserve forest block, the government is not entitled to put the said land to any non-forest purposes. There shall be no order as to costs.

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(**V.V.S. RAO,J**)

August 19, 2005

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